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WAR IS NOT FOR ME

by *Rabbi Yaakov Blau*

This week's Parashah, Parashat Shofetim, devotes a full Perek (Devarim 20:1-20) to describing the preparations that the Jewish army must undergo prior to making battle. To begin preparing for war, a Kohein entreats the people to not be afraid, reminding them that they have Divine aid on their side. The Torah then lists three types of people exempted from fighting: one who has built a house but has not yet lived in it, one who has planted a vineyard but has not yet partaken of its produce, and one who is engaged but not yet married. Why are these people exempt from fighting with the rest of Bnei Yisrael on the battlefield?

Rashi (20:5 s.v. VeIsh Acheir Yachnechenu) believes that the aim of the exemptions is to prevent the particularly tragic outcome that such a person might die without ever having lived in his new house, enjoyed the fruit of his vineyard or lived a married life. Ibn Ezra and Rashbam present a more pragmatic rationale. They believe that a person in one of these situations will not fight wholeheartedly but rather will be thinking of what he left behind. As such, he will be quick to flee, which will lower the overall morale of the army. Each approach can find support in different parts of the text. Rashi's approach seems to be the most straightforward reading of the Pesukim describing the three exemptions (20:5-7), as the reasoning given for each one is "lest they die and not..." However, the context in which these Pesukim are found favors the approach of Ibn Ezra and Rashbam. The preceding Pesukim (20:3-5) have the Kohein telling the people to not be afraid, and the subsequent Pasuk (20:8) informs us that anyone afraid of battle is also urged to leave and not undermine the war effort. If the rationale for the exemption of those who are afraid is that they might flee the battlefield and thereby "undermine the war effort," then it would follow that the three special exemptions address the same issue.

The allowance of those who are scared of battle to return home is itself subject to debate. Rashi (20:8) quotes a Machloket from the Gemara (Sotah 44a) as to whom the Torah refers when exempting those who are afraid. Rabi Akiva takes the Pesukim at face value, reasoning that it is not helpful to have members of the army who

cannot stomach fighting. However, Rabi Yossi HaGelili understands the fear to be that of the sins that the individuals had previously committed. Interestingly, he further believes that the three aforementioned exemptions are merely meant as a cover for those who have sinned, so that it will not be obvious as to why they are returning from the war. This would seem to be a third approach in explaining the necessity of the three exemptions, namely that they are necessary as a means to prevent embarrassment. Ramban quotes a fascinating Yerushalmi which contends that anyone exempted must prove that he is deserving of being released, except for Rabi Akiva's opinion of those who are afraid, since their fear is self-evident.

The Chizkuni argues that the three categories – one who has built a house, planted a vineyard, or became engaged – serve an additional purpose. Since all three appear as part of Moshe's Tochachah in Parashat Ki Tavo, namely that Hashem will punish us by having others live in the houses that we have built, eat from vineyards that we have planted and marry the engaged women (Devarim 28:30), hearing those three images will serve as an impetus to repent before battle.

The various approaches to the exemptions are quite relevant to modern applications of when it is necessary to use force to address a national need, or even a more local or personal need. On the one hand, Ibn Ezra's and Rashbam's concern for what will pragmatically help one accomplish whatever it is that needs to be done via force has to be a primary consideration. At the same time, we must not sacrifice our religious beliefs and values to accomplish those goals, à la Rabi Yossi HaGelili's concern for the sinner. Lastly, Rashi's approach reminds us to always be sensitive to the needs of the individual and to the harm that can be inflicted on him. While that concern may not always be feasible as the primary consideration, we should never allow ourselves to become so hardened that we stop taking the suffering of the individual into account. May we be Zocheh to be able to achieve all of our needs and goals in a peaceful manner.

YEAR-ROUND KEDUSHAH

by *Hillel Koslowe ('17)*

In the Maftir of Parashat Re'eih, last week's Parashah, we find the Pasuk that we recite during Tefillat Mussaf of the Shalosh Regalim: "Shalosh Pe'amim BaShanah Yeira'eh Kol Zechurecha Et Penei Hashem Elokecha BaMakom Asher Yivchar," "Three times in the year, every one of your males shall appear before Hashem, your God, in the place He will choose" (Devarim 16:16). Then, in the beginning of Parashat Shofetim, the Torah discusses establishing Shofetim and Shoterim, judges and officers, throughout Eretz Yisrael (16:18).

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What is the connection between the Shalosh Regalim and the establishing of Shofetim and Shoterim throughout Eretz Yisrael?

To answer this question, the Or HaChaim (ad loc. s.v. Shofetim) notes that during the Shalosh Regalim, when Jews go to Yerushalayim, everybody witnesses the Sanhedrin HaGadol. Because the Sanhedrin HaGadol is the ultimate court, it would be very tempting for Jews to simply rely on it for their cases and delay bringing matters for adjudication until the Shalosh Regalim. However, Hashem does not want Bnei Yisrael to postpone court cases until the Shalosh Regalim; therefore, He mandated that there be courts throughout all of Eretz Yisrael.

Perhaps, the underlying message of this point is that while being in Yerushalayim and witnessing Hashem's glory and the Sanhedrin HaGadol is inspiring and religiously uplifting, that is not how life is meant to be lived. Day-to-day life does not consist of being directly in God's presence and having the best court available to us; rather, we have Batei Kenesiyot and local courts to help us pray to Hashem and follow Halachah. So while the Shalosh Regalim and time spent in Yerushalayim may recharge us religiously, that is not meant to be our routine. Therefore, even though the Sanhedrin is the best court, Jewish communities need ordinary courts available to them year round.

After discussing the court system, the Torah (Devarim 16:22) presents the prohibition of building Matzeivot. Additionally, the Torah mentions that Matzeivot are hated by Hashem. Korbanot brought on Matzeivot, in contrast to Korbanot offered at the Beit HaMikdash during the Shalosh Regalim, are not necessarily presented in Yerushalayim; they are brought in Jewish communities, wherever that may be.

If the Torah requires Jews to visit Yerushalayim and the Beit HaMikdash only three times a year, why are Matzeivot – local Korbanot – not allowed? And why would Hashem hate Matzeivot? Don't they display that a person is invested in his relationship with Hashem all year round, not just three times a year?

Perhaps, Hashem hates and forbids Matzeivot because there is no substitute for Yerushalayim. If Jews were able to bring Korbanot year round, throughout their communities, Yerushalayim would lose its unique status, and Jews would not feel it necessary to go to Yerushalayim for the Shalosh Regalim. To make sure that Yerushalayim has a special place in every Jew's heart, Korbanot can be brought only in Yerushalayim.

It may seem that up to this point, we have concluded two antithetical points. First, based on the Or HaChaim, we concluded that day-to-day life is not meant to consist of constant glaring Kedushah, and that Jews need not spend all their lives in Yerushalayim. But then, based on the prohibition of Matzeivot, we concluded that there is no

substitute for Yerushalayim, for it has a special place in all Jews' hearts.

However, upon further analysis, we can see that there is no contradiction. While we must recognize that Yerushalayim contains the ultimate Kedushah, life doesn't require constant Yerushalayim – there is also a need for day-to-day spiritual life, and that day-to-day life need not feel like the Shalosh Regalim. But we cannot become so content with life outside of Yerushalayim and the Beit HaMikdash that we be desensitized to its inherent Kedushah.

We are currently in the midst of Chodesh Elul, and before we know it, Rosh HaShanah, Yom Kippur, and Sukkot will arrive – and then will pass. These days are days of spiritual rebirth and growth; however, after these spiritually elevated days, we must not regress religiously. So long as we gain from Elul and the holidays that follow, and we keep the growth with us, the seemingly mundane days that follow can be as spiritually elevating and rewarding.

To Appoint or Not to Appoint?

by Akiva Sturm ('19)

In Parashat Shofetim, we learn that when the Jewish people entered the land of Israel, they were commanded to perform three Mitzvot: appoint a king, destroy Amaleik, and build the Beit HaMikdash. The Gemara (Sanhedrin 20b) notes that these three Mitzvot must be performed in Eretz Yisrael, and later these Mitzvot were codified by Rambam (Hilchot Melachim 1:1). Rambam adds, in the second Halachah of Hilchot Melachim, that these commandments must be done in the specific order - first appoint a king, then destroy Amaleik, and finally build the Beit HaMikdash.

Later, in Sefer Shmuel, Shmuel HaNavi is infuriated when the Jews request a king (I Shmuel 8:6). Why would this be? Doesn't that request for a leader seem to be the fulfillment of the Mitzvah that the nation was given to appoint a king? Many suggest that the request was not motivated by a desire to fulfill the Mitzvah. Rather, it was indicative of a rebellion against Hashem, as Hashem told Shmuel, "They rebelled against me" (8:7). The Jewish nation was, unfortunately, searching for a leader to replace Hashem.

The Gemara (Sanhedrin 20b) presents three opinions regarding Jewish monarchy. The majority of the Amora'im in that Gemara are of the opinion that monarchy is an undesirable form of government. However, Rambam codifies the apparent minority opinion that appointing a king is indeed a Mitzvah. On the other hand, Abarbanel (Devarim 17) is strongly opposed to the idea of having a king. He believes kingship is unnecessary for Am Yisrael. He postulates that the Torah meant that if the people ask for a king, a Jewish monarch may be appointed in such a situation, but it is definitely not the ideal.

Rav Binyamin Tabory, in *The Weekly Mitzvah*, writes that even though there are concerns about the Jewish People's intentions when they requested a king, it is interesting to note that in the end, a king is appointed.

The Vilna Gaon (commentary to Parashat VaYeishev) points out that a “Melech” (king) is appointed by God, and a “Mosheil” (dictator) is self-appointed. Hashem is a Melech to the Jews, who accept His kingship; however, He is only a Mosheil to the non-Jews, as we state in Tefillah, “Ki LaHashem HaMeluchah UMosheil BaGoyim.” We hope and pray for the day when Hashem does not feel that the Jews have rebelled against Him, the day when Hashem will truly be a Melech to everybody and accepted by all, “VeHayah Hashem LeMelech Al Kol HaAretz.”

AN IRRITATING NAME IN A GET - RAV MELECH SCHACHTER'S ZT"l RESOLUTION OF A TENSE SITUATION

by Rabbi Chaim Jachter

Introduction - The tense situation

It was a tense situation. A couple came to Rav Melech Schachter (who proudly described himself as the father of Rav Hershel Schachter Shlita), a leading Mesadeir Gittin (Get administrator) from 1950 to 2005, to administer a Get. Rav Melech, as is customary, reviewed the couple's names and nicknames, following the enactment of Rabban Gamliel HaZakein (Gittin 34b and Shulchan Aruch Even HaEzer 129:1) to record the names and nicknames of the husband and wife (and that of their respective fathers) in a Get.

A typical Get would record a couple's names as in the following typical (but fictional) situation: “Re’uvein Chaim, known as Robert son of Gedaliah, known as George, and Chavah Sarah, known as Charlene daughter of Shmuel, known as Sam.” In our case, the husband supplied the name that he used when called to the Torah, “Natan Yisrael,”¹ and the name by which he is commonly known, “Natan.” At that point, Rav Schachter asked if he had an English name. His wife responded “Yes” and mentioned that a number of people referred to him by his English name².

At that point, the husband became very agitated. He insisted that his English name not be included in the Get. He took pride in the fact that when he became observant he used his Hebrew name. He insisted that everyone call him by that name. He even changed his legal name to his Hebrew name.

What could be done in this situation? One the one hand, the Halachah insists that all names and nicknames be included in a Get. On the other hand, the husband refused to participate in the Get if his English name would appear in the Get. Rav Schachter stopped the proceedings and spent a few minutes poring over the Shulchan Aruch to find a solution. After a few minutes, he announced that he would yield to the husband and omit his

English name from the Get. The Get proceeded and concluded smoothly.

The Basis for Rav Schachter's Ruling

I witnessed this incident during the years I trained to become a Get administrator. In addition to earning Yadin Yadin Semichah from Yeshiva University, I watched the administration of more than three hundred Gittin by a variety of leading Mesadrei Gittin, including Rav Melech, both in the United States and Israel. I am eternally grateful to all of these Rabbanim who generously provided their time and expertise and patiently answered all of my many questions. After the Get was completed and the couple had left, I asked Rav Schachter for the basis of his decision. He responded that one does not include in the Get a name that the individual finds irksome. Indeed, the Rama (E.H. 129:16) rules that derogatory nicknames should not be included in a Get. Rav Schachter extended the Rama's ruling from insulting names to names that the people involved find irksome. There is ample evidence and logic to support Rav Schachter's ruling.

Three Reasons for the Omission of an Insulting Name

The reasons for omitting insulting names apply equally to names that one finds irritating. The most compelling explanation of the Rama is that the reason for Rabban Gamliel HaZakein's enactment to write nicknames is to avoid, as Rashi (Gittin 34b s.v. Mipenei Tikun Olam) notes, anyone calling into question the validity of the Get. If a name is omitted, then people will say that the proper individual was not divorced since his name does not appear in the Get. For example, in a situation where some know the husband as “Ray” and others call him “Jay,” and only the name “Ray” is included in the Get, then when the wife presents the Get to those who know her husband as “Jay,” they will say that she was not divorced since her husband's name does not appear in the Get.

Rabban Gamliel HaZakein's concern does not apply to an insulting name. It is apparent to all in such a case why that name was omitted from the Get. The same applies to a situation such as ours, where it is well known that the husband finds a certain name to be irritating, even if it is not insulting.

Indeed, this would appear to be the basis for Rabbeinu Tam's ruling³ to forbid including in a Get a name assumed by an apostate during his conversion to another faith (for example, the name Pablo Christiani). We see from this ruling that the obligation to include all

¹ The names have been changed to protect the privacy of the people involved.

² Get administrators commonly follow the ruling of the Teshuvot Beit Yitzchak, cited by the *Get Mesudar* (page 75), to include a name in a Get if at least three people refer to him using that name. The *Get*

Mesudar is a widely accepted guidebook for administration of Gittin when the husband is Ashkenazic.

³ Cited in Tosafot Gittin (34b s.v. VeChol Shum) and codified in the Shulchan Aruch E.H. 129:5.



names and nicknames in a Get is not absolute. When it is apparent why the name is omitted, Rabban Gamliel HaZakein's enactment does not apply.

The Aruch HaShulchan (E.H. 129:62) offers another reason for the omission of an offensive nickname. He applies the Pasuk (Mishlei 3:17), "Deracheha Darchei No'am," "the Torah's ways are the ways of pleasantness," to this situation. The source for applying this Pasuk in this manner is the Gemara (Sukkah 32b) that supports the traditional identification of "Anaf Eitz Avot" (VaYikra 23:40) with Hadasim. The Gemara rejects the possibility of the taking of a bitter plant with stinging leaves called oleander based on "Deracheha Darchei No'am," even though this plant meets the technical description of "Anaf Eitz Avot." The Gemara utilizes this Pasuk to teach that it is inconceivable that the Torah would demand from us to perform an unpleasant action. Thus, including an insulting name in a Get runs counter to this Pasuk as well.

Based on the Aruch HaShulchan, the Rama's ruling applies equally to an irritating name as to an insulting name. Including an irritating name does not fit with the Torah's pleasant ways just as including a derogatory name is not in keeping with Mishlei's teaching of "Deracheha Darchei No'am."

The Kav Naki (Seder Get Rishon VeSheini number 89; the Kav Naki is a widely accepted guidebook for administration of Gittin in accordance with Ashkenazic practice) adds another reason for omitting a derogatory name. He notes that the concluding line of every Get states "KeDat Moshe VeYisrael," that all is in accordance with the religion of Moshe and Yisrael. Kav Naki notes that mentioning an insulting name is hardly in keeping with "Dat Moshe VeYisrael" in light of the Gemara (Bava Metzia 58b) which states that one who calls his friend with an insulting nickname is punished severely.

Similarly, calling someone by a name he finds irritating, even if objectively it is not an insulting name, is not in keeping with "Dat Moshe VeYisrael." A most elementary Torah principle is, as Hillel summarized the Torah while standing on one foot (Shabbat 31a), to refrain doing to others what one would not want done to himself. This principle clearly prohibits us from referring to someone with a name with which he very adamantly does not wish to be identified. This is a matter of basic respect that every person must give his fellow human being. Thus, Rav Melech Schachter most appropriately omitted the husband's original English name from the Get.

English/Secular Names in a Get

It is important to note in this context that although it has been accepted for at least a century to include secular names in a Get, not all classical Posekim subscribed to this view. Rav Shlomo Kluger (Chidushei Anshei Sheim, number 142) argues that secular names should not be included in a Get just as Rabbeinu Tam did not permit the inclusion of a name acquired during conversion to another religion in a Get. Just as such a name is not in keeping with

"Dat Moshe VeYisrael," so too is adopting a secular name. It is well known that the Jews in Mitzrayim were redeemed in part due to the merit of their not changing their names to non-Jewish names. Thus, Rav Shlomo Kluger did not permit these names to be listed in a Get. The *Get Mesudar* (page 99) notes that Rav Kluger's ruling was the accepted practice in sections of Poland.

This approach of Rav Shlomo Kluger was rejected by virtually all of the great nineteenth century Posekim, led by Teshuvot Chatam Sofer (E.H. 2:38) and the Aruch HaShulchan⁴ (at the very end of E.H. 129). Nonetheless, his approach can serve as additional support to Rav Melech Schachter's ruling, since according to Rav Shlomo Kluger a non-Jewish name should never be included in a Get.

Conclusion

Rav Yirmiyahu Benyowitz, the highly regarded Mesadeir Gittin of the Baltimore area, concurs with Rav Schachter's ruling. He writes (in his work on Hilchot Gittin entitled *Kovetz Al Yad*, page 162) that in his opinion, based on the aforementioned Rama, one should not include in a Get a name that one finds irritating. He writes that he believes that this is the accepted practice.

Rav Melech Schachter was a wise Rav whose kindness and wisdom benefitted and supported thousands. May this essay serve to honor his memory and serve Lellui Nishmato.

The gentleman involved in this story also communicates an important message to those of us who regularly use their secular name even amongst friends and family. We all should take great pride and embrace our Hebrew names. We should certainly respect the wishes of those who wish to grow in their Judaism and identify themselves by their Hebrew names, as difficult as it is sometimes for us to accept such a change.

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This publication contains Torah matter and should be treated accordingly.

⁴ It is important to note that the Aruch HaShulchan decries the practice of Jews who allow themselves to be called by non-Jewish names in the

strongest of terms. He describes this phenomenon as "blindness" and "deafness" to Jewish tradition and values.